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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: JERUSSI et al.

Application No.: 09/527,442

Group Art Unit: 1621

Filed: March 17, 2000

Examiner: S. BARTS

For: DERIVATIVES OF VENLAFAXINE AND
METHODS OF PREPARING AND USING
THE SAME

Attorney Docket No.: 4821-369

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 21, 2001, in which the above-identified application was examined for restriction purposes only, Applicants respectfully request entry of the following remarks, with provisional elections, into the records of this application. Enclosed herewith is a Petition for Extension of Time, with provision for the required fee.

REMARKS

In the Office Action, the Examiner alleges that the pending claims encompass five different inventions: Group I, claims 1-16, 22-26, drawn to pure pharmaceutical compositions comprising venlafaxine derivatives; Group II, claims 17-18, drawn to a method for preparing N-desmethylvenlafaxine; Group III, claims 19-20, drawn to a method for preparing didesmethylvenlafaxine; Group IV, claim 21, drawn to a method for preparing O-desmethylvenlafaxine; and Group V, claims 27-59, drawn to many different methods of treatment comprising the use of a venlafaxine derivative.

Applicants respectfully traverse the restriction requirement and request either withdrawal or modification thereof in accordance with the discussion below. In order to be fully responsive, Applicants provisionally elect, with traverse, Group V, claims 27-59.

As the Examiner is well aware, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits,